

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7077

BILL NUMBER: HB 1242

NOTE PREPARED: Apr 21, 2011

BILL AMENDED: Apr 18, 2011

SUBJECT: Various Election Law Matters.

FIRST AUTHOR: Rep. Richardson

FIRST SPONSOR: Sen. Landske

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) The bill makes the following changes to the election law:

Contents of Reports- The bill specifies the contents of statewide voter registration system reports.

Voter Registration List Maintenance- The bill specifies certain procedures in connection with voter list maintenance, and updates procedures for address changes of voter registration records in the statewide voter registration system.

Return of Declaration of Candidacy Petitions- The bill permits a county voter registration office to return to a candidate for President of the United States, United States Senator, or governor, after the petition is certified, an original petition that accompanies a declaration of candidacy.

Matching Candidate and Ballot Questions/Device Certification Dates- The bill changes several dates concerning the certification of ballot questions and devices to conform to the date in current law for the certification of candidates.

Dissolving Candidate Committees- The bill permits the dissolution of a committee without the waiver of outstanding civil penalties previously imposed on the committee, and specifies that the chairman or treasurer of the committee remains liable for any committee debts.

Registration Records Update- The bill requires that county voter registration records be updated not later than 60 days after election day or after completion of a recount or contest.

Precinct Boundaries- The bill provides that if a proposed precinct boundary splits a census block, the precinct establishment order must include a description of the precinct boundary in metes and bounds or one or more aerial photographs that depict each census block that is split and the boundary of the precinct that splits each census block. The bill makes other technical changes. The bill revises precinct boundary change procedures.

Special Election Certificate of Nomination- The bill requires a certificate of nomination in a special election called by the Governor to be filed not later than noon 74 days (rather than noon 50 days) before the date of the election.

Candidate Vacancies- The bill specifies that notice of a meeting to fill an early candidate vacancy must be filed not later than noon ten days before the meeting with the public official required to receive these notices. The bill specifies that a certificate to fill certain early candidate vacancies must be filed not later than noon three days after the selection of the candidates. The bill permits a county chairman of a political party to designate a person to preside over a meeting to fill an early candidate vacancy or a vacancy in a local office. The bill makes other changes relating to filling candidate vacancies.

Active Voter Definition- The bill amends the definition of "active voter."

Boards of Registration- Except for boards of elections and registration in Lake County and Tippecanoe County and the board of registration in Marion County, the bill abolishes all boards of registration on July 1, 2011, and permits a county executive to adopt an order to establish or reestablish a board of registration.

Voter Registration Applications- The bill provides that a voter registration application received in person or by mail by the Election Division (ED), or an absentee ballot application received by the ED, is timely filed if the ED receives the application before the deadline established for a county to receive the application. The bill requires the ED to forward the application promptly to the county where the applicant resides.

Absent Uniformed Services and Overseas Voters- The bill provides that an absentee ballot application received from an absent uniformed services voter, an overseas voter, or an address confidentiality program participant is valid for the period that ends on December 31 after the filing of the application (rather than 12 months after the date of the application).

Uncontested Municipal Offices- The bill provides that uncontested municipal offices are not required to appear on the ballot in a municipal or general election.

Absentee Ballots and Election Day- The bill provides that a voter who casts an absentee ballot before election day may not vote in person on election day.

Absentee Votes and Satellite Offices- The bill provides that one location of the office of the circuit court clerk designated by the clerk is the location at which a voter is entitled to cast an absentee ballot before an absentee voter board. The bill establishes the office of the Board of Elections and Registration in Lake County as the location at which a voter is entitled to cast an absentee ballot before an absentee voter board. The bill provides that all other locations at which the clerk or the Board of Elections and Registration has an office must be established as satellite offices in order to be used as locations at which a voter is entitled to cast an absentee ballot before an absentee voter board.

Vote Center Plans- The bill requires a vote center plan to: (A) include the total number and locations of

satellite offices to be established at vote center locations; and (B) provide for at least one vote center to be established as a satellite office on the two Saturdays immediately preceding an election day.

Civil Penalty- The bill establishes a civil penalty of not more than \$1,000 for each communication circulated or published (but not for the number of copies of the communication actually circulated or published) for a person who makes certain campaign communications that contain a disclaimer that is difficult to read or whose placement is easily overlooked. It specifies the type size and color contrast for a disclaimer that meets the statutory requirements. The bill also provides that a person whose sole act is, in the normal course of business, participating in the preparation, printing, distribution, or broadcast of the communication containing the disclaimer is not liable for a disclaimer that violates the statute.

Relocation of A County Executive/Fiscal Body Member- The bill allows a member of a county executive or a county fiscal body: (A) who is elected from and must reside within a district; and (B) who is relocated outside the member's district as the result of the state's acquisition of the member's residence for a public use after the member has begun a term of office; to complete the member's term of office as long as the member remains a resident of the county that contains the member's district.

Starting Date Ramp Up- The bill moves up the starting date of the period for a candidate to file a declaration of candidacy for a primary election from 104 days before the primary election (approximately January 20) to 118 days before the primary election (approximately January 6). The bill continues the current 30-day window for primary candidate filings. It makes conforming changes for pre-primary candidate withdrawal, challenge, and challenge-determination deadlines.

Town Party Convention- The bill provides that a town political party convention must be conducted not later than August 21 (rather than before August 21).

Registered Voter to Sign Petition- The bill specifies that an individual who signs a petition of nomination for an independent candidate must be a registered voter at the time the county voter registration office checks the validity of the signatures on the petition.

State Recount Commission- The bill provides that whenever the State Recount Commission makes a final determination that a candidate for a state office (other than the office of Governor or Lieutenant Governor, or a judicial office) who is subject to a contest proceeding is not eligible to serve in the office to which the candidate is elected: (A) the office is considered vacant and the Governor fills the office by appointment; and (B) the Commission's determination does not affect the votes cast for the candidate for purposes of determining the number or percentage of votes cast for the office under other statutes.

Counting of Provisional Ballots- The bill specifies that provisional ballots must be counted by a county election board not later than 3 p.m. (rather than noon) 10 days after the election.

Recount Commission- The bill provides that the State Recount Commission must complete certain recount and contest proceedings not later than December 20 (rather than before December 20) after a general election.

Repealers, Conforming Amendments, and Technical Corrections- The bill repeals provisions that: (A) have been superseded concerning: (i) an absentee ballot application filed by an absent uniformed services voter or an overseas voter, or (ii) the establishment of boards of registration based on a population parameter; (B) allow voters who cast an absentee ballot to vote in person under certain circumstances on election day; and

(C) are obsolete concerning voting instructions, paper ballots, ballots formerly printed by the election division, and special polling places.

Technical Corrections- The bill makes conforming amendments and technical corrections.

Effective Date: (Amended) Upon passage; June 1, 2010 (retroactive); December 31, 2010 (retroactive); July 1, 2011.

Explanation of State Expenditures: *Matching Candidate and Ballot Questions/Device Certification Dates-* The bill would place the certification of independent or minor political party candidates, public questions and devices on the same date as the certification of nominees and ballot placement. The deadline for Secretary of State certification of the above items would be 74 days before the general election. The proposed deadline for the 2010 general election would have been approximately noon on Friday, August 20, 2010, the same day as in current law.

Special Election Certificate of Nomination- This provision would give the Election Division 24 more days time to process the certificates of nomination for a Governor-called special election.

Voter Registration Applications- This provision would require the Election Division to forward absentee voter ballot applications received by the ED to the appropriate county voter registration office. Any additional postage used to forward applications would likely minimally impact ED expenditures.

Explanation of State Revenues: *Dissolving Candidate Committees-* This provision could increase collection of outstanding civil penalties assessed on candidate committees. Under current law, in order to be administratively dissolved, the Election Commission must determine that further effort to collect outstanding civil penalties from a committee is not a prudent use of state resources. This provision would give the Election Commission the option to waive penalties *after* a committee has been administratively dissolved. Therefore, committees could be dissolved while remaining liable for any civil penalties assessed.

As of December 16, 2010, the Election Division (ED) had 164 candidate committees with approximately \$130,496.54 in unpaid civil penalties. None of the 164 committees have been turned over to the Attorney General (AG) to date. The ED has not turned over a committee with unpaid civil penalties to the AG since December 2007.

Civil penalties collected from candidate committees are deposited into the Campaign Finance Enforcement Account (SCFEA).

Civil Penalty- The bill could increase the funds deposited in the state or local campaign finance enforcement account. However, the amount collected will depend on the number of violators who make a disclaimer of the person who paid or authorized the political advertising difficult to read or that is easily overlooked or that violates the type size and color contrast requirements.

The state campaign finance enforcement account would receive a civil penalty of not more than \$1,000 per communication, plus investigative costs incurred for violations concerning federal, statewide, or state legislative elections. Certain individuals would be excluded from liability for violation of the statute.

Explanation of Local Expenditures: *Special Election Certificate of Nomination-* This provision would give county election boards 24 more days time to process the certificates of nomination for a Governor-called

special election.

Precinct Boundaries- The addition of aerial photographs in the affected areas would add negligible costs to the preparation of a precinct establishment order. Counties are already required to report descriptions of boundaries in metes and bounds, if the proposed boundaries of the precinct follows the boundary of a municipality, state legislative district, or municipal legislative district.

Uncontested Municipal Offices- This provision may shorten ballots in future municipal elections. Counties with optical scan voting systems may save a minimal amount on printing expenses for shorter ballot cards.

Absent Uniformed Services and Overseas Voters- This provision would change the date that a person who is an absentee uniformed service member, overseas, or in the address confidentiality program could apply for an absentee ballot from after November 20 to December 1 in a given year. Absentee ballot applications for these persons would essentially be valid for a year and a month (from December 1 of the prior year through December 31 of a primary, general, or special election year.) County election officials may have to slightly adjust their administrative workload to accommodate this provision.

Starting Date Ramp Up- This provision would move up certain election deadlines by 14 days. This would allow two additional weeks for election officials to prepare ballots for an upcoming primary election.

Absentee Votes and Satellite Offices- County circuit court clerks and the Lake County election board director would have to have unanimous approval of their county election boards to have more than one physical location for absentee voting in elections after the effective date of the bill. The provision would minimally impact local expenditures.

Counting of Provisional Ballots- This provision would allow election board officials three more hours to count provisional ballots than allowed under current law.

Explanation of Local Revenues: *Dissolving Candidate Committees-* This provision could increase the collection of outstanding civil penalties assessed on candidate committees. Under current law, in order to be administratively dissolved, county election boards must determine that further efforts to collect outstanding civil penalties from a committee are not a prudent use of local resources. The bill would allow boards the option to waive penalties *after* a committee has been administratively dissolved. Therefore, committees could be dissolved while remaining liable for any penalties assessed.

Civil Penalty- Local campaign finance enforcement accounts could receive civil penalties of not more than \$1,000, plus investigative costs incurred for violations under this provision.

State Agencies Affected: Secretary of State, Election Division, Treasurer of State; Office of the Governor; State Recount Commission.

Local Agencies Affected: County Election Boards; Circuit Court Clerk.

Information Sources: State Budget Agency, Auditor's Data; Election Division.

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